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10/656,776	09/04/2003	Fabio Giannetti	B-5184 621133-2	8984

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EXAMINER

PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,776	Applicant(s) GIANNETTI, FABIO	
	Examiner Manglesh M. Patel	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8-14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Non-Final** action is responsive to the amendment filed on March 21, 2006.
2. Claims 1-6, 8-14 & 18 are pending. Claims 1, 11, 14 and 18 are independent claims.

Withdrawn Objections

3. The Objection to the specification has been withdrawn in light of the amendment.
4. The objection to claim 1 has been withdrawn in light of the amendment.

Withdrawn Rejections

5. The 35 U.S.C. 101 rejection of claims 1-10 has been withdrawn in light of the amendment.
6. The 35 U.S.C. 102(e) rejections of claims 1-3, 7-8, 10-14 & 18 with cited references of Ferrel U.S. 6,199,082 and the 35 U.S.C. 103(a) rejections of claims 4-6 & 9 with cited reference of Ferrel U.S. 6,199,082 in view of Brauer U.S. Pub 2001/0014900 have been withdrawn in view of the persuasive arguments and newly cited art.

Drawings

7. The Drawings are objected to because the listed title with the inventor name (top portion of the drawings) has several missing letters. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

8. Note claim 7 has been omitted and should be indicated as canceled since it was present in the previous prosecution.

Claim Rejections – 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6, 8-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davia (U.S. Pub 2002/0156815, filed Apr 19, 2001) in view of Duhig (NPL—Separating Links From Content Using XML, Xlink and Xpointer, 2001, pgs 1-18).

Regarding Independent claims 1, 11, 14 & 18, Davia discloses *a method, data structure & system of authoring content to be served by a server comprising: Authoring on a computing device a layout document which defines at least one area of a document which includes the content to be published (figs 2 & 3, paragraph 49 & 50 –55, wherein the layout document is separate from the content. The layout file defines the area of the document where content should be placed); Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig teaches *Authoring on a computing device at least one binding element which defines the identity and location of at least a portion of content and at least one style description which defines a style to be applied to a selected portion of content* (section 5: [Out-of-line Linking], wherein the W3C standard Xpointer is used to address fragments of another document. The Xpointer element identifies the location of at least a portion of content. Fig 4 of*

applicants drawing uses Xpointer to reference the content located in another file. In addition the style applied to the content shown in fig 4 of applicants drawings is defined with Xpointer thereby referencing a style file. Although binding element is just a generic object name the important feature that defines this element includes the use of Xpointer): *In which the step of authoring the layout document includes allocating to the at least one defined area a director to at least one binding element such that when processed the published document includes in the defined area the content as directed by the binding element in the style as directed by the binding element* (section 5: [Out-of-line Linking], wherein W3C standard Xlink is used in conjunction with Xpointer. Xlink is the director to the binding element. Xlink is used to reference external and local content while the fragments are located using the Xpointer element. Binding element is one of a multitude of generic object names, however the actual director is Xlink because it references the location of the actual file containing the content to be associated with the layout areas). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have

been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 2, with dependency of claim 2, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the binding element does not itself contain any style or content, only containing directors to style or content* (section 5: [Out-of-line Linking], wherein the binding element is made up of an href attribute with an Xpointer according to the specification. The Xpointer does not contain the actual content or style these are located elsewhere and referenced by using Xpointer for specific portions and Xlink for the actual file location). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 3, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the content is provided as an electronic file which contains a portion of text, or image, or a combination of text and image content* (section 5: [Out-of-line Linking], wherein the content is an electronic file and contains images and text). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 4, with dependency of claim 3, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the file comprises a section of data written for example in a mark-up language such as XML* (section 5: [Out-of-line Linking], the file that is referenced by Xlink and Xpointer is in XML). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with

Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 5, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the style description is provided in the form of an electronic file written for example in a mark-up language such as XML* (section 5: [Out-of-line Linking], wherein the file referenced by Xpointer and Xlink are written in XML, although a style file isn't explicitly shown, the file itself is located separately and referenced by using Xpointer according to the specification. The file referenced by using Xpointer includes any XML file including style information). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a

portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 6, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *the director to a binding element provided in the layout document is defined as an attribute within a section of machine-readable data written in a mark-up language* (section 5: [Out-of-line Linking], wherein the director which is Xlink is an attribute that is described within a section of the markup language). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simply the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to

combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 8, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *defining a binding element which defines the identity and location of more than one style description or the identity and location of more than one portion of content* (section 5: [Out-of-line Linking], wherein Xlink and Xpointer being used together are used multiple times in a markup document to reference multiple portions or content or multiple files containing content. The actual binding element is a generic object name but includes both Xlink and Xpointer to reference the remote content). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 9, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *defining two or more binding elements which direct to a common portion of content or style description* (section 5: [Out-of-line Linking], wherein Xlink and Xpointer are not limited in terms of use within a XML document. Both include the ability to reference the same piece of content or file within a markup document). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 10, with dependency of claim 1, Davia fails to teach the use of a binding element for identifying a portion of the content. Duhig discloses *more than one binding element is provided, and the layout document includes a director to some or all of the total number of binding elements* (section

5: [Out-of-line Linking], wherein Xlink and Xpointer are not limited in terms of use within a XML document. Both include the ability to reference the same piece of content or file within a markup document including reference to portions of the same document, thereby providing Xlink to multiple Xlinks in the same document using Xpointer). Davia teaches a layout information file that is separate from the content information. Duhig teaches the use of Xlink with Xpointer to define Out-of-line linking for content information located elsewhere such as third-party linking. At the time of the invention it would have been obvious to include a binding element to reference a portion of content. The motivation for doing so would have been to simplify the coding of the document by separating the content information from the layout description by using Xlink to reference the content and Xpointer to reference specific portions of content. Therefore it would have been obvious to combine the teachings of Duhig with Davia for separation of content from layout thereby improving the maintainability of the code.

Regarding Dependent claim 12, with dependency of claim 11, Davia discloses *one or more discrete sections of machine readable data, a first section defining the a layout document, a second section defining the at least one binding element and a third section defining content, and a fourth section defining at least one style description* (figs 2 & 3, paragraph 49 & 50 –55, wherein one section includes defining a layout area in a markup language).

Regarding Dependent claim 13, with dependency of claim 12, Davia discloses *the discrete sections form part of a single file of machine readable data or separate files of machine readable data* (figs 2 & 3, paragraph 49 & 50 –55, wherein the discrete section pertaining to the layout information is a separate file).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

10. Applicant's arguments filed March 21, 2006 have been fully considered but are moot in view of the new ground of rejection. Davia describes the separation of content, including a layout information file. Duhig teaches the use of Xpointer with Xlink for referencing content, by using Xlink to reference a file and Xpointer to obtain specific portions of content. Both Xlink and Xpointer are W3C standards that were implemented to reference content described in XML. Xlink with Xpointer include the ability to be used multiple times in the same document or to reference the same document they are used in. The binding element described in the invention is just a generic object name. The use of Xpointer and the href attribute described in the specification is what defines the

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actual object. Duhig teaches the use of Xlink with Xpointer and both describe a binding element.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
June 8, 2006


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PRIMARY EXAMINER